

AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P. O. Box 7599
Loveland, Colorado 80537-0599

PATENT APPLICATION

ATTORNEY DOCKET NO. 10971722-2

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Ach et al.

Serial No.: 09/802,358

Filing Date: March 9, 2001

Title: METHOD FOR 3' END-LABELING RIBONUCLEIC ACIDS

Examiner: A. Chakrabarti

Group Art Unit: 1655



RECEIVED
FEB 12 2003
TECH CENTER 1530/2900

COMMISSIONER FOR PATENTS
Washington, D.C. 20231

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- (X) Response/Amendment () Petition to extend time to respond
() New fee as calculated below () Supplemental Declaration
() No additional fee (Address envelope to "Box Non-Fee Amendments")
(X) Other: postcard (fee \$)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS	25	MINUS	25	= 0	X \$18	\$ 0
INDEP. CLAIMS	3	MINUS	3	= 0	X \$84	\$ 0
[] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ \$280	\$ 0
EXTENSION FEE	1ST MONTH \$110.00	2ND MONTH \$400.00	3RD MONTH \$920.00	4TH MONTH \$1440.00		\$ 0
OTHER FEES						\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 50-1078 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 50-1078 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit: 02-03-2003

Typed Name: Donna Macedo

Signature:

Respectfully submitted,

Ach et al.

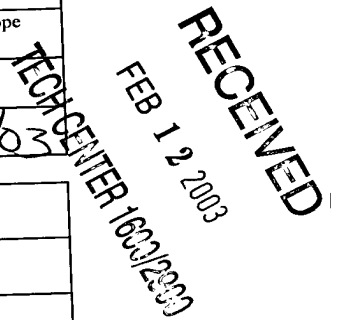
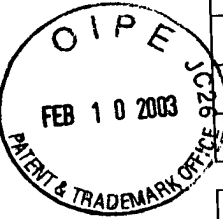
By

Bret Field for Gordon Stewart

Attorney/Agent for Applicant(s)
Reg. No. 37,620

Date: 02-03-2003

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.			
Typed or Printed Name		Donna Macedo	
Signature		D. Macedo	
		Date	2/3/03
REMARKS UNDER 37 C.F.R. §1.116 Address to: Assistant Commissioner for Patents Washington, D.C. 20231		Application Number	09/802,358
		Confirmation Number	7724
		Filing Date	March 9, 2001
		First Named Inventor	Ach et al.
		Examiner	A. Chakrabarti
		Group Art	1655
		Attorney Docket No.	10971722-2



Sir:

This amendment and response is responsive to the Office Action dated December 4, 2002 for which a three-month period for response was given making this response due on or before March 4, 2002. Accordingly, this response is timely filed.

In view of the remarks put forth below, reconsideration and allowance are respectfully requested.

REMARKS UNDER 37 CFR § 1.116

Formal Matters

In view of the following remarks, the Examiner is respectfully requested to withdraw the rejections and allow Claims 17-20 and Claims 24-44.

Claim Rejections - 35 U.S.C. §103(a)

Claims 17-20, 24-26, 28-32 and 36-41 have been rejected again under 35 U.S.C. §103(a) over Martin (RNA 4:226-230, 1998) in view of Cao (PNAS 93:11580-11585, 1996) in further view of Stratagene Catalog (1988, page 39), ("Stratagene"). Specifically, the Office Action re-asserts that the yeast poly(A) polymerase methods and reagents of Martin, combined with the bacterial poly(A) polymerase of Cao and the kits of Stratagene, render the claims obvious. The Applicants respectfully traverse this rejection.